

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DEBORAH D. CLARK,)	
)	No. CV-10-397-JPH
Plaintiff,)	
)	ORDER GRANTING STIPULATED
v.)	MOTION FOR REMAND
)	
MICHAEL J. ASTRUE,)	(ECF No. 25)
Commissioner of Social)	
Security,)	
)	
Defendant.)	

BEFORE THE COURT is the parties' stipulated motion to remand this case to the Commissioner for further administrative proceedings (**ECF No. 25**). Maureen J. Rosette represents plaintiff. Special Assistant United States Attorney Debra J. Meachum represents defendant. The parties have consented to proceed before a magistrate judge (ECF No. 7).

After considering the stipulated motion (ECF No. 25), **IT IS ORDERED** that the motion is GRANTED. The case is REVERSED and REMANDED pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings. On remand the ALJ will:

1. conduct a supplemental hearing, if necessary.
2. further evaluate Plaintiff's back impairment;
3. further evaluate and explain the weight given to the opinion the PA at Tr. 760;
4. reassess plaintiff's RFC in light of the entire record, including any additional evidence received; and

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1 5. if necessary, obtain vocational expert testimony.

2 The Appeals Council also notes that the claimant filed a
3 subsequent application for disability benefits on June 23, 2011,
4 which was denied initially and is currently pending appeal. The
5 Appeals Council recommends that Plaintiff's subsequent claim be
6 consolidated with the pending claim upon remand.

7 Because this remand is pursuant to sentence four with a
8 remand to the Commissioner for further proceedings (*see Melkonyan*
9 *v. Sullivan*, 501 U.S. 89 (1991)), plaintiff is entitled to
10 reasonable attorney's fees and costs pursuant to 28 U.S.C. § 2412
11 (a), (d), upon proper request to this Court.

12 **IT IS FURTHER ORDERED:**

13 1. The parties' stipulated motion for an order of remand
14 pursuant to sentence four (ECF No. 25) is **GRANTED**.

15 2. Plaintiff's subsequent application for disability benefits
16 filed on June 23, 2011, currently pending appeal, is consolidated
17 with the pending claim upon remand.

18 3. Judgment shall be entered for **PLAINTIFF**.

19 4. An application for attorney fees and costs may be filed by
20 separate motion.

21 5. The District Court Executive is directed to enter this
22 Order, enter judgment, forward copies to counsel, and **CLOSE** the
23 file.

24 **IT IS SO ORDERED.**

25 **DATED** this 15th day of November, 2011.

26 s/James P. Hutton
27 JAMES P. HUTTON
UNITED STATES MAGISTRATE JUDGE

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